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March 12, 2009

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

RE: Notice of Ex Parte Presentations
of the Coalition of Wireless Microphone Users
In WT Docket Nos. 08-166 and 08-167

Dear Ms. Dortch:

This letter will serve as notice that on March 11, 2009, Toni Cook Bush and I met with Renee Crittendon of Commissioner Adelstein's office, with Angela Giancarlo of Commissioner McDowell's office, and with a group from the Wireless Telecommunications Bureau consisting of G. William Stafford, Chris Moore, Paul D'Ari, Ziad Sleem, Monica Delong, and Nese Guendelsberger. We met on behalf of our client, the Coalition of Wireless Microphone Users ("CWMU"), an informal organization of entities which use wireless microphones, IFB, and other wireless cue and control systems operating on frequencies assigned to Low Power Auxiliary Stations under Part 74, Subpart H of the Commission's rules (collectively, "wireless microphones").

Members of CWMU, including theatre organizations such as The Broadway League and The Shubert Organization,¹ regularly employ wireless microphones in their presentations to the public. Many of these wireless microphones are unlicensed because, under the Commission's current rules, these users do not qualify for Part 74 licenses.

¹ Other theatre organizations (Alliance of Resident Theatres, Educational Theatre Association, League of Off-Broadway Theaters and Producers, Inc., and Theatre Communications Group, Inc.) and sports organizations (The National Basketball Association, the National Football League, the National Hockey League, Major League Baseball, Sports Video Group, LLC, News Corporation, and ESPN, Inc.) have joined CWMU in a Petition for Review of the Commission's "White Spaces Order," Second Report and Order and Memorandum Opinion and Order on Unlicensed Operation in the TV Broadcast Bands, 23 FCC Rcd 16807 (2008).

Ms. Marlene H. Dortch
March 12, 2009
Page 2

CWMU filed a written ex parte presentation on February 13, 2009. In our three meetings of March 11, we reiterated the points set forth in that ex parte. We specifically expressed the desire of CWMU members for rule changes that would make it possible for them to obtain licenses under Part 74, Subpart H of the Commission's rules. We noted that this change in status would be especially welcome because of certain ambiguities in the Commission's White Spaces Order.

We discussed the type of entities that should be eligible for wireless microphone licenses and noted CWMU's preference for broad categories that would encompass producers of live performing arts, cultural and religious presentations, professional or amateur sporting events, conventions, trade shows, and government and educational entities.

Additionally, we informed meeting participants that CWMU takes no position with regard to the termination of wireless microphone operations in the 700 MHz Band. CWMU's members currently use this band, but understand that they must cease operations there and will comply with whatever decision the Commission makes on this issue.

We also noted that CWMU does not see a need for the creation of a new General Wireless Microphone Service, as suggested by the Public Interest Spectrum Coalition in this proceeding, but believes that the public interest can be better served by enlarging the scope of eligibility under Part 74 rules.

Please let us know if you have any questions or would like any further information about CWMU's positions on these issues.

Sincerely,

A handwritten signature in black ink, appearing to read "David H. Pawlik". The signature is fluid and cursive, with the first name "David" being the most prominent part.

David H. Pawlik
Counsel for the
Coalition of Wireless Microphone Users

cc: Renee Crittendon
Angela Giancarlo
G. William Stafford
Chris Moore
Paul D'Ari
Ziad N. Sleem
Monica Delong
Nese Guendelsberger